

REMARKS

Claims 1-8 are all the claims pending in the application and stand rejected. In particular, Claims 3-6 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 1-8 are rejected on the ground of nonstatutory obviousness-type double patenting; Claims 1 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita (European Patent Application No. 0 926 675) in view of Del Genio et al. (U.S. Patent No. 6,034,850) and admitted prior art; Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita in view of Del Genio et al. and admitted prior art; Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita in view of Del Genio et al. and admitted prior art; and Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita (European Patent Application No. 0 926 675) in view of Tanaka et al. (U.S. Patent No. 5,180,118).

The outstanding grounds of rejection are traversed, as discussed below.

I. Analysis

A. Claim Rejections - 35 U.S.C. § 112

Claims 3-6 and 8 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. As discussed below, claims 3, 4 and 8 have been amended so as to provide additional clarity to the claimed subject matter.

With respect to claims 3 and 8, the Examiner alleges that the recitation of “a pair of leg portions bent at right angles in the same direction at both ends of the connecting plate portion” is unclear because the claims do not indicate “with what the leg portions form right angles.” *See*

Office Action at page 2. In response, claims 3 and 8 have been amended to recite “a pair of leg portions bent at right angles in the same direction at both ends of the connecting plate portion such that the pair of leg portions, which form the right angles relative to the connecting plate portion...”.

With respect to claim 4, the Examiner alleges that lines 14-16 appear inaccurate “because the reinforcement member is under, not over a flange of the leader pin in the claimed orientation.” *See* Office Action at page 2. Although Applicants do not agree with the Examiner’s interpretation, claim 4 has been amended so as to provide additional clarification of the placement of reinforcement members relative to both the upper and lower flanges of the tape leader pin.

In particular, claim 4 has been amended so as to recite the first and second reinforcement members “are respectively disposed at least over a first flange of the tape leader pin and below a second flange of the tape leader pin, which is axially opposed to the first flange, when the tape leader pin is detachably held in the upright state between said upper and lower cases”.

In view of the above-described amendments, claims 3-6 and 8 are clear and definite and, therefore, Applicants request that the Examiner withdraw the rejections under 35 U.S.C. § 112, second paragraph.

B. Claim Rejections - Obviousness-type Double Patenting

The Examiner rejects claims 1-8 on obviousness-type double patenting grounds.

Specifically, claims 1, 3 and 7 are rejected as being unpatentable over claims 1-4 of U.S. Patent

No. 6,796,520 (“the ‘520 patent”)¹ in view of admitted prior art (“APA”); claim 2 is rejected as being unpatentable over claims 1-4 of the ‘520 patent in view of Ishihara; and claims 4-6 and 8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of the ‘520 patent in view of Tanaka.

To overcome the obviousness-type double patenting rejection, and as the path of least resistance, Applicant submits herewith a suitable Terminal Disclaimer. The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection. In short, obviation of the double patenting rejection by submission of a terminal disclaimer should not be construed as an admission or acquiescence or estoppel on the merits. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392, 1394, 1395 (Fed. Cir. 1991).

C. Claim Rejections - 35 U.S.C. § 103

Independent Claim 1

As in the previous Office Action of June 7, 2006, the Examiner again rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Morita in view of Del Genio and admitted prior art. Applicants continue to submit that the Examiner’s rejection is improper and respectfully traverse the same as follows.

¹ The present application is a continuation of U.S. Application Serial No. 10/058,034, which issued as the ‘520 patent.

In the previous Amendment, Applicants responded to the rejection of claim 1 by arguing that the Examiner had not presented any objective evidence that established modification of the dimensions of the conventional tape cartridge, as described in Applicant's specification, would have been obvious. Applicants further pointed out that the Examiner was simply relying on conclusory opinions regarding what an "ordinary artisan" would have known, and the Examiner did not even establish the conventional cartridge thickness was in any way inadequate, much less that reducing the tape leader pin (i.e., from 19.46 mm to the claimed value of 18.7 mm) together with thickening the cartridge (i.e., 1.38 mm, as claimed) would have been obvious. *See* Amendment of October 6, 2006 at pages 8-11.

In response, the Examiner maintains a similar rationale and alleges the following in his remarks:

The level of skill in the art was such that selection of the length of 18.7 for the leader pin and a thickness of 1.38 mm for the cartridge case would have been obvious to any ordinary artisan as clearly being capable of holding a tape of 14 mm which would be compatible with prior art reading mechanisms. An ordinary artisan would have been expected to perform routine experimentation to determine the optimal dimensions for the leader pin length and cartridge case thickness.

See Office Action at page 11.

As noted above, Applicants submit that the Examiner's determination of obviousness is legally insufficient. Quite clearly, the Examiner has failed to present any objective evidence that suggests modifying the conventional tape cartridge thickness and reducing the length of the tape leader pin would have been obvious.

Independent Claim 4

In rejecting claim 4, the Examiner again alleges that Morita teaches all the claimed features except the upper and lower cases being made of resin and the metal reinforcing member embedded in the upper and lower cases. However, the Examiner contends that Tanaka compensates for these deficiencies and contends that the side frame members 2, 4 and rear frame member 8 of the conventional cassette tape of Tanaka teaches the metal reinforcing members of claim 4.

Previously, Applicants argued that Tanaka did not teach metal reinforcement members embedded above and below a tape leader pin because, *inter alia*, Tanaka discloses only a conventional tape cassette, which does not utilize a leader pin, and the side and rear reinforcement members are provided at areas other than the opening of the cassette tape where the exposure of the tape actually occurs. *See* Amendment of March 30, 2006 at pages 12-13.

In addition, claim 4 was amended in the previous response to recite the first metal reinforcement member and the second reinforcement members embedded in the upper and lower cases are respectively disposed over axially opposite flanges of the tape leader pin when the tape leader pin is detachably held in the upright state between said upper and lower cases. Based on this added clarification, Applicants argued that Morita, which has side frame members and a rear frame member provided at locations other than the opening of the cassette tape where exposure of the tape occurs, fails to suggest metal reinforcement members embedded in the case such that they are *disposed over the flanges* of the tape leader pin.

In response, the Examiner alleges as follows:

[T]he metal reinforcing members 1, 2, 4 (Figs. 13-18 of Tanaka et al) are over the entire take [sic] cartridge interior so that they provide rigidity to the whole cartridge. Applying this teaching to Morita would result in the claimed cartridge having reinforcing member over the flanges of the tape leader pin when it is positioned in the cartridge.

See Office Action at page 12.

Applicants again disagree with the Examiner's interpretation of the conventional cassette tape cartridge of Tanaka. Rather, the Examiner does not give proper consideration to the different configuration of a tape cartridge having an opening for a leader pin versus a cassette tape, which does not utilize a leader pin. Moreover, as previously argued Tanaka does not teach that reinforcement members are provided on all sides of the cassette tape. Indeed, the portion where the tape is exposed (i.e., the bottom portion of the cassette) is not protected by any reinforcement member at all.

Dependent Claims 3 and 8

Finally, the previous prior art rejections of claims 3 and 8 have apparently been overcome in response to the Amendment of October 6, 2006.

II. Conclusion

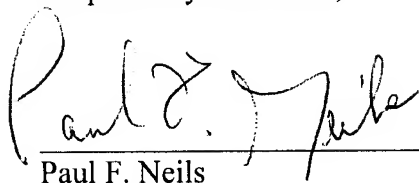
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/751,470

Q79189

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul F. Neils", written over a horizontal line.

Paul F. Neils
Registration No. 33,102

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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